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OKLAHOMA STATE DEPARTMENT *of* EDUCATION

MEMORANDUM

TO: The Honorable Members of the State Board of Education
FROM: Joy Hofmeister
DATE: April 23, 2015
SUBJECT: Legislative Update

Governor action taken or sent to Governor

- [HB 1154](#) Rep Montgomery, Sen Barrington: Exempts any law enforcement officer, defined as peace or police officer who is CLEET certified, and is employed by a law enforcement agency at the time of hiring, from background checks at the time of application for employment at a school district. EFFECTIVE 11/1.
 - Status: Signed by Gov 4/7
- [HB 1330](#) Rep A Coody, Sen Fry: Requires the [State Board of Education \(SBOE\) to promulgate rules](#) requiring school district boards of education to waive the Oklahoma history high school graduation requirements for military children who have transitioned from another state and already completed a similar state history class in another state. EFFECTIVE 7/1.
 - Status: Signed by Gov 4/13
- [HB 1331](#) Rep A Coody, Sen Fry: Defines the term “military student identifier” and permits student data for those with a military student identifier to be transferred to any federal, state or local agency or other organization/entity outside of the state for purposes of assisting the Department of Defense in developing policy and military child education initiatives. Identifier required to be included in student data system by July 1, 2016. EFFECTIVE 7/1.
 - Status: Signed by Gov 4/13
- [HB 1423](#) Rep McPeak, Sen Marlatt: Eliminates the requirement that school districts shall provide transportation for ALL CareerTech agriculture education and FFA program related duties and activities. EFFECTIVE 7/1
 - **Updated Status:** Signed by Gov 4/21

- [HB 1521](#) Rep Henke, Sen Smalley: Excludes from the meaning of “compensation” (meaning excludes from collective bargaining) one-time incentive pay provided to a teacher or one-time retention incentive pay for returning a second year. EFFECTIVE 11/1.
 - Status: Signed by Gov 4/13
- ****New**** [HB 1691](#) Rep Denney, Sen Jolley: Allows a board of education in a county with over 500,000 and ADM of 30,000 to contract for educational and administrative services. Those services could include instructional services. Allows those contracts to be exempt from the statutes and rules that charters are exempt from. State that for the purposes of attendance, funding and accountability, student receiving contracted services remain students of the school district. EFFECTIVE 7/1
 - Updated Status: Sent to Gov 4/20
- [HB 1749](#) Rep Newell, Sen Dahm: Prohibits a state agency to make payroll deductions on behalf of a state employee for membership dues in any organization that collectively bargains on behalf of it’s members. EFFECTIVE 11/1
 - Status: Signed by Gov 4/2
- ****New**** [HB 2157](#) Rep Echols, Sen Griffin: “Family Support Accountability Act” allows agencies with “home-visiting services” to promulgate rules for operation. Requires the departments to provide a framework for service delivery and accountability to promote continuum of care for those families at greatest risk. Requires such departments to work together for the maximum benefit to families. Sets goals for what the programs should achieve. While this legislation is not directed at the State Department of Education (SDE), it will affect the Oklahoma Parents as Teachers program. Will require SBOE to promulgate rules. EFFECTIVE 11/1
 - Updated Status: H Enrolled 4/21
- [SB 5](#) Sen Sharp, Rep Cockroft: Exempts education employees from liability for the use of necessary and reasonable force to control and discipline a student during school, at a school function, or in transit. EFFECTIVE 90 days after Sine Die
 - Updated Status: Signed by Gov 4/21
- ****NEW**** [SB 20](#) Sen Sharp, Rep Henke: Allows board to issue a certificate to a person who holds a valid out of state certificate. It allows them to only teach in those subjects/grades that are most closely aligned with their certificate. If a teacher has had 5 years of successful teaching in an accredited school, they do not have to take the examination in those subjects/grades. Requires them to have a background check from OSBI and national criminal history record check on file. Upon receipt of the background checks, the board may issue a temporary certificate until fingerprinting can be done. Person applying is responsible for the criminal history check. EFFECTIVE 7/1
 - Updated Status: Signed by Gov 4/21

- **SB 50** Sen Smalley, Rep Biggs: Changes language that limited agriculture education to grades 8-12, to read that ag ed programs are designed for junior high and high school grades 8-12. In effect this would allow schools the ability to do offer ag ed programs in other grades if desired. EFFECTIVE 7/1
 - Status: Signed by Gov 4/7
- ****New** SB 162** Sen Halligan, Rep Denney: Directs SBOE to promulgate rules to provide exemptions from state testing for students with MSCD (Most Significant Cognitive Disabilities - those students under the 1% cap). EFFECTIVE 7/1
 - **Updated Status:** S Enrolled 4/21
- ****New** SB 189** Sen Sharp, Rep Casey: Requires agencies to submit in their annual budget request due in October, a budget analysis of existing and proposed programs utilizing performance-informed budgeting techniques. This legislation is a continuance of Governor's initiative to implement performance-based budgeting. EFFECTIVE 7/1
 - **Updated Status:** Sent to Gov 4/20
- **SB 262** Sen Paddack, Rep Thomsen: Directs SDE, in collaboration with the Department of Labor (DOL), to make information regarding workplace safety training available to school districts for grades 7-12, and suggests using a current program offered by the DOL. Directs SDE to encourage districts to inform grade 7-12 teachers about the importance of including workplace safety training in their curriculum. Directs SBOE to promulgate rules. EFFECTIVE 90 days after Sine Die.
 - Status: Signed by Gov 4/1
- **SB 346** Sen Dahm, Rep Walker: "Governor's Transparency Act of 2015" Requires agencies entering into an MOU or MOA with any entity receiving appropriated money, grants, contracts, or any other state or federal funds to publish a report on its website and documents.ok.gov within 15 business day of it going into effect. Requires effective date, duration of agreement, entities, purpose and any constitutional or statutory provisions allowing the agreement to be included in the report. If the agreement happens during session then the agency is required to give a copy to the chair of the appropriate legislative committee. Exempts contents of those reports protected by ORR, but still requires the entities to be published in the report.
 - Status: Vetoed by Gov 4/6
- ****NEW** SB 782** Sen Jolley, Rep Denney: Allows any school district to sponsor a charter school within its boundaries. If an applicant is denied by the local district, they can appeal to the state board, and the state board can sponsor up to 5 charters per year outside of counties with population of 500,000 or fewer, and not more than one per district. Requires districts to prioritize charters who demonstrate academic success through various means. The grounds for objection by the district must be outweighed by the greater evidence and strength of the applicant. Increases the requirements of the application to 35 different measures, including funding plans, plans for treatment of various groups of students, organization chart, etc. Gives

additional powers to the sponsor including revoking the charter. Requires the board members to be residents of the state and meet quarterly. Requires a performance framework and report. If a charter regularly is in the bottom 5% rankings of all public schools, the sponsor is to consider closing the school and if they do not close the school, they must present their reasoning to the state board. While SBOE is not specifically directed to promulgate rules, it will likely be necessary for proper implementation in some areas. EFFECTIVE 90 days after Sine Die.

- **Updated Status:** Sent to Gov 4/20

Curriculum and Assessments

Testing

- **[HB 1321](#)** Rep Nollan, Sen Ford: Allows for alternative means of meeting requirements of EOIs - those that are not required by the federal government. Allows for students scoring above equal to or above the required score on the ASVAB to be exempt. Allows for students who have earned an industry recognized endorsement that is recommended by the CareerTech Board and approved by SBOE to be exempt, and allows students who earn college credits through dual or concurrent enrollment to be exempt in the corresponding subject area.
- **[HB 1622](#)** Rep Derby, Sen Stanislawski: Beginning with 2016-17 school year, requires the State Board to adopt and develop assessments for grades 3-8 and 9-12 that are augmented with items to align with the new standards, and yield both a norm referenced score and criterion referenced score. Requires the board, in consultation with the Regents, OEQA, CareerTech and Commerce to develop recommendations for assessment requirements for graduation. Requires a report to the State Board by March 1, 2016 and rules to be promulgated for new graduation requirements by April 1, 2016. Requires students to attain a proficient composite score the overall assessment, or the student can take an alternate assessment in the area in which they did not attain a proficient score for each, Algebra I, English II, Biology I and US History. Allows for students who attain a score 10% above the cut score on the ACT or SAT to be exempted from the newly adopted assessment. Also provides additional exemptions of AP, CLEP, IB, etc. Cohorts of students beginning ninth grade prior to 2016-2017 will continue to take the EOIs.
- **[SB 707](#)** Sen Ford, Rep Denney: Eliminates the requirement for End of Instruction exams and requires the State Board, in consultation with the Regents, OEQA, CareerTech and Commerce to develop recommendations for graduation requirements. Requires them to designate an assessment used by institutions of higher education to determine college readiness or need for remediation. Requires a report by March 1, 2016 and rules to implement by May 1, 2016 including a timeline for implementation.
- **[SB 708](#)** Sen Ford, Rep Casey: Directs the State Board to not administer assessments for any subject not required by federal law in grades 3-8.

- [SB 784](#) Sen Jolley, Rep Denney: Allows the State Board of Education to approve a common assessment used by institutions for higher education. If the Board approves the assessment, the OEQA, in consultation with other agencies shall set the cut score. Any student demonstrating mastery of content standards by achieving the composite score on the assessment shall graduate with a standard diploma. Puts into place a standards based system of assessment. If the system aligns 80% with the standards then new assessments can be used in place of those identified in statute. May use assessment adopted by Higher Ed, can substitute Work keys. Changes A-F to 25% whole school growth & bottom quartile (% of growth for each student from benchmark to highest possible score)- bonus points - 1 point for every student selecting college prep work - instead of points for EOIs, points for requiring every student to take 4 years of math, English, social studies and science.

RSA

- [HB 1065](#) Rep Nollan, Sen Stanislawski: Requires that only the reading comprehension and vocabulary portions of third grade test be used for purposes of RSA.
- [SB 630](#) Sen Ford, Rep Casey: Requires the Student Reading Proficiency Team to develop an intensive remediation plan for any student scoring below proficient in reading in first and second grades. Requires any student scoring below proficient, and is not subject to a good cause exemption and do not qualify for a “probationary promotion”, to be retained. Requires grade level performance to be provided to the parent. Removes the principal from the team, but requires their approval of the recommendation for promotion. Extends the sunset provision through the 2019-2020 school year.
- [SB 785](#) Sen Jolley, Rep Denney: Requires grade level performance benchmarks to be used to assess reading level in addition to the approved screening instruments already approved. Requires the Student Reading Proficiency Team to develop an intensive remediation plan for any student scoring below proficient in reading in first and second grades. Requires any student scoring below proficient on a screening instrument, and is not subject to a good cause exemption and do not qualify for a “probationary promotion”, to be retained. Requires grade level performance to be provided to the parent. Extends the sunset provision through the 2019-2020 school year.

Special Education

- [HB 1268](#) Rep Casey, Sen Ford: Allows for flexibility in meeting the requirements of personal financial literacy for those 1% MSCD students on an IEP to allow for them to receive substantive and substantial instruction in life skills, and meet the requirements of their IEP in order to satisfy the requirements.
- [HB 1690](#) Rep Caldwell, Sen Ford: Allows for students who are receiving long-term or short-term rehabilitation services or care in a pediatric rehabilitation hospital or medical care setting and are being provided educational services by a district to be reported separately and not be included in determining the grade of the school site. If the facility is considered a school site it shall not receive a grade.

Teachers and Schools

TLE

- [SB 706](#) Sen Ford, Rep Casey: Requires continued studying of TLE by the Commission and SBE, delays implementation of quantitative portion until 2017-2018. Full evaluation will be based on qualitative measures until that time and schools are required to continue to report student academic growth and OAMs. For teachers with at least one tested subject, districts can have the option of adopting an alternative percentage for the 35% based on student academic growth. For retired teachers and teachers new to a district who previously taught before, districts can have the option to evaluate solely on qualitative components, and SBE shall adopt alternative percentages for evaluating those teachers.
- [HB 1290](#) Rep Cannaday, Sen Fields: Delays implementation of the quantitative portion of TLE until 2017-2018, and requires 100% of evaluation until that time to be based on the qualitative portion. Requires board to continue to work with TLE Commission to determine calculation of student academic growth, and requires Commission to adopt recommendations for SAG and OAMs by May 1, 2016. The Commission is required to advise the board on use of valued added and SLOs. The Board cannot adopt final rules until the recommendation of the Commission is adopted.

Teachers/Employees

- [HB 1326](#) Rep Biggs, Sen Loveless: Requires physicians, health professionals and school personnel to report suspected child abuse or neglect to the law enforcement agency with jurisdiction over the report. There is a pending amendment to remove physicians and health professionals from this requirement.
 - **Status:** Bill Failed 4/22
- [HB 2014](#) Rep J Coody, Sen Barrington: Allows a handgun to be carried into a school by personnel who are CLEET certified and completed 40 hours of training. School board must adopt a policy to do so.
- [SB 711](#) Sen Sparks, Rep Denney: States districts should report to the state board any termination or non renewal if reason could result in criminal charges of any kid. Releases districts from liability to do so or not do so.

Schools/Professional Development

- [HB 1684](#) Rep Denney, Sen Griffin: Erin's Law - requires professional development each year on training and recognition of child abuse, neglect and sexual abuse, proper reporting of suspected abuse per state law, appropriate questioning techniques and available resources. Allows districts to establish an abuse-prevention instructional program for students and leaves content up to district discretion. Could include how to identify dangerous situations, personal boundary violations, how to refuse approaches

and invitations, how to call for help, what to do if abuse occurs. Pursuant to parents bill of rights, no student is required to participate. SDE to promulgate rules in conjunction with OK Commission on Children and Youth and State Board of Health.

- [HB 1685](#) & [SB 674](#) Rep Denney, Sen Halligan/Sen Sharp: 24/7 Tobacco Free Schools Act - prohibits all tobacco products from use in facilities offering educational programs early childhood through grade 12, technology facilities, and colleges and universities.
- [HB 2049](#) Rep Nelson, Sen Treat: Extends certain aspects of the Student Data Accessibility, Transparency and Accountability Act to local school districts. Prohibits districts from transferring student or de-identified data to any federal, state or local agency outside the state of Oklahoma, with certain exceptions. Requires districts to obtain parental approval prior to requiring a student to create any online accounts which would reveal individually identifiable information, or before signing onto any web-based site that requires a student-specific login.
- [HB 2069](#) Rep Nelson, Sen Griffin: Allows for a child that goes into foster care to maintain their residency address in their previous school district for school purposes.
- [SB 239](#) Sen Yen, Rep Cox: Chase Morris Sudden Cardiac Arrest Prevention ACT – SDE and Dept of Health shall jointly develop and post on their website guidelines and other materials to inform students, parents and coaches participating in an athletic activity about the risks and signs of sudden cardiac arrest. Requires all students participating to sign acknowledgement of receipt of the symptoms each year. Allows schools to hold an informational meeting prior to start of season. A student who collapses or faints shall be removed from the activity and not return until evaluated and cleared. Coaches shall complete training each year.

Charters

- [HB 1034](#) Rep Kirby, Sen Loveless: Allows for Native American tribes to sponsor a charter. Adds language from the charter compromise bill to require these charters to meet the same requirements as those that will be sponsored by a school districts.
- [HB 1696](#) Rep Denney, Sen Jolley: This is a companion bill to SB 786 that has been sent to the Governor, and at this point is identical in it's language. Allows any school district to sponsor a charter school within its boundaries. If an applicant is denied by the local district, they can appeal to the state board, and the state board can sponsor up to 5 charters per year outside of counties with population of 500,000 or fewer, and not more than one per district. Requires districts to prioritize charters who demonstrate academic success through various means. The grounds for objection by the district must be outweighed by the greater evidence and strength of the applicant. Increases the requirements of the application to 35 different measures, including funding plans, plans for treatment of various groups of students, organization chart, etc. Gives additional powers to the sponsor including revoking the charter. Requires the board members to be residents of the state and meet quarterly. Requires a performance framework and report. If a charter regularly is in the bottom 5% rankings of all public schools,

the sponsor is to consider closing the school and if they do not close the school, they must present their reasoning to the state board.

- [SB 136](#) Sen Stanislawski, Rep Nelson: Requires Statewide Virtual Charter School Board to publish a list of supplemental online courses that are aligned to the standards. They shall give “special emphasis” on listing courses regarding STEM, foreign language and AP. School Districts are not limited to choosing from this list. Allows the board to negotiate and enter into contracts with vendors providing such courses to offer a state rate to school districts.

Teacher Certification

- [SB 29](#) Sen Brecheen, Rep Denney: Requires the State Department of Education to notify, via mail, any individual who held any license or certificate issued by the State Board of Education prior to expiration. Allows for a license renewed before December 31 of the year it expired to be backdated, and caps cost of processing fees for renewal.
- [SB 454](#) Sen Ford: Allows for earnings for post-retirement employees to be capped at 150% of the average teacher’s salary instead of \$15,000. **NOTE: Due to OPLAA, this bill has been sent to the actuary for analysis and possible consideration next session.
- [HB 1270](#) Rep Casey: Amends the cap on returning post-retirement employees. Currently this bill is dormant, but we expect it to be sent to the actuary along with SB 454.

Funding and SDE

Agency Directives

- [HB 1512](#) Rep Kern, Sen Jolly: Requires SDE to conduct a capacity review of educational interpreters available to school districts and submit a report by December 1, 2015. Creates the Oklahoma Educational Interpreter for the Deaf Task Force to conduct a thorough review of current law and make recommendations to the Legislature for any changes to the requirements for educational interpreters.
 - **Status:** Failed Deadline 4/23
- [HB 1604](#) Rep Sherrer, Sen Quinn: Requires release of dropout information be made available to the Oklahoma Department of Career and Technology Education, the Bureau of Indian Affairs, the Military Department of the State of Oklahoma for use in the youth educational programs provided by the State Department of Education and the State Department of Health.
- [HB 1748](#) Rep Newell, Sen Treat: Requires any entity who receives federal funds to annually publish a report identifying the priority rank of the funds in descending order with the funding source relied on to the greatest extent first. Requires description of any action required to be taken for the receipt of funds, any prohibited actions, any actions required by individuals or other entities. Requires funds also to be listed with their corresponding implementation costs.

- [HB 1823](#) Rep Martin, Sen Jolley: Directs SDE to study A-F and present a report by December 31, 2015.
- [HB 2088](#) Rep Nelson, Sen Treat: Clarifies date by which the standards have to be adopted – full implementation 2016-2017.
- [SB 285](#) Sen Ford, Rep Coody: Changes the name of Oklahoma Parents as Teachers to program of parent education. Requires early childhood standards to be aligned with new standards.

Funding

- [HB 1498](#) Rep Casey, Sen Quinn: Defines per pupil spending and requires a report each year according to the definition.
- [HJR 1024](#) Speaker Hickman, Sen Mazzei: Allows for the manufacturing exemption, under which a qualifying manufacturer can be exempt from ad valorem taxes for 5 years, to be automatically approved, unless unanimously disapproved by a vote of the county commissioners.
- [SB 786](#) Sen Jolley, Rep Martin: Revises the format of the SDE budget to list in statute those line items going directly to districts. Requires that if the legislature does not fully fund FBA then that money will be taken out of the formula. Eliminates the term “public school activities fund”.